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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,334	-	09/19/2001	Hiroshi Kawai	011109	9587
23850	7590	12/19/2002			
	-	STERMAN & HA	EXAMINER		
1725 K STR SUITE 1000	) ·		DEXTER, CLARK F		
WASHINGTON, DC 20006				ART UNIT	PAPER NUMBER
				3724	
			DATE MAIL ED: 12/10/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)



SM

Application No. 09/955,334

Applicant(s)

Kawai

# Office Action Summary

Examiner
Clark F. Dexter

Art Unit 3724

1)			The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
THE MAILING DATE OF THIS COMMUNICATION.  Extension of time may be available under the provision of 3 CPR 1.13 fel. 8. In no event, however, may a reply be timely filed after SIX (8) MONTHS from the melting date of this communication.  If the period for retry purposition above is less than thirty (30) days, a reply within the stellar or provision of the period for reply with provision of the period for retry purposition of the communication.  Fallus to reply within the set or extended printed for reply with by sistoria, calse the experience in blooms ABANDONED CRISTICS, call \$13.13.  Any reply received by the Office later and home moments after the mailing date of this communication, were if innely filed, may reduce any seared patent term adjustment. See 37 CPR 1.70-lbl).  Status  1) Responsive to communication(s) filed on  2a) This action is FINAL.  2b) This action is non-final.  3) Is since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.  Disposition of Claims  1) Responsive to communication(s) filed on  2a) Of the above, claim(s)  (claim(s)  (c									
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#### **DETAILED ACTION**

## **Priority**

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

## Information Disclosure Statement

2. The information disclosure statement filed September 19, 2001 (paper no. 2) has been received and the references listed thereon have been considered.

#### Abstract

3. The abstract of the disclosure is objected to because in line 7, the use of the term "shooter" appears to be inaccurate and is confusing, and it seems that it should read --chute-- or the like. Appropriate correction is required. See MPEP § 608.01(b).

### Specification

4. The disclosure is objected to because of the following informalities:

On page 4, line 10, "Figure 4 is a view" is inaccurate and should be changed to -
Figures 4A-4C are views-- or the like.

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On page 5, line 3, "punch tool 6 is" appears to be inaccurate, and it seems that "is" should be changed to --includes-- or the like; in line 4, it is unclear as to what the term "punch holder" refers; in line 5, "lower turret 4 is" appears to be inaccurate, and it seems that "is" should be changed to --includes-- or the like.

On page 6, line 5, the use of the term "shooter" is unclear and confusing, and it seems that it should be changed to --chute-- or the like.

On page 9, lines 2, 3 and 21, the use of the term "shooter" is unclear and confusing, and it seems that it should be changed to --chute-- or the like; in line 2, "over" appears to be inaccurate, and it seems that it should be changed to --through-- or the like.

On page 10, line 7, the use of the term "shooter" is unclear and confusing, and it seems that it should be changed to --chute-- or the like.

Appropriate correction is required.

## Claim Rejections - 35 USC § 112

5. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, structural cooperation is not positively set forth between the upper turret and the punches, and it is suggested to simply delete "for" or the like; in line 3, structural cooperation is not positively set forth between the lower turret and the die tools, and it is

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suggested to simply delete "for" or the like; in line 5, structural cooperation is not positively set forth between the punch driving mechanism and the punch tools, and it is suggested to insert --operatively connected to the punch tools-- after "mechanism" or the like.

In claim 2, line 1, the term "shooter" is vague and indefinite, and it seems that it should be changed to --chute-- or the like; in line 2, "the main body frame" lacks antecedent basis; in lines 2-3, structural cooperation is not positively set forth between the lower turret and the main body frame, and it is suggested to simply delete "for" in line 3 or the like.

In claim 3, line 3, "the upper surface level" lacks antecedent basis; in lines 3-4, "the closed state" lacks antecedent basis; in line 4, "the upper surface level" lacks antecedent basis.

# Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-3, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels, pn 3,839,935.

Daniels discloses a turret punch press with every structural limitation of the claimed invention as best understood from the claims including an opening and closing plate (e.g., 44), which at least partially covers or obstructs the work sheet outlet.

#### Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.

Clark F. Dexter Primary Examiner Art Unit 3724

cfd

December 13, 2002